**HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE**

**AND**

**HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY**

**Writ Appeal No.824 of 2006**

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**Between:**

K.Ashok Kumar and another

**……Appellants**

**And**

The District Collector, Ranga Reddy District,
Hyderabad, Andhra Pradesh and seven others

**……Respondents**

**:: JUDGMENT ::**

Counsel for the Appellant : Shri Palivela Satyarajababu

Counsel for Respondent Nos.1 to 3 : Government Pleader for Revenue

Counsel for Respondent Nos.4 to 8 : Shri G.Ravi Mohan

**October 11, 2006**

**Per G.S. SINGHVI, CJ**

This is an appeal for setting aside order dated 27.07.2006 passed by the learned Single Judge in Writ Petition No.15554 of 2006 whereby he declined the appellants' prayer for quashing order dated 26.06.2006 passed by Inam Tribunal – cum – Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division, Ranga Reddy District (for short 'the Tribunal') in Case No.L/1580/2000.

Appellant No.1 is said to have purchased Ac.4.11 guntas of land comprised in Survey No.84 of Kokapet Village, Ranga Reddy District by registered sale deed dated 16.02.2004 and appellant No.2 is said to have purchased Ac.3.39 guntas of land comprised in Survey No.84 by registered sale deed dated 29.05.2004. They are said to have obtained survey maps of the lands from the office of the Mandal Revenue Surveyor and permission from Panchayat Secretary for construction of a compound wall. On 26.07.2006, they filed writ petition under Article 226 of the Constitution of India for quashing order dated 26.06.2006 passed by the Tribunal by alleging that even though they purchased the disputed land by registered sale deeds, without issuing notice and giving opportunity of hearing to them, the Tribunal cancelled order dated 08.07.1998 passed by Revenue Divisional Officer, Chevella in favour of their vendors and granted Occupancy Rights Certificate to respondent Nos.4 to 8 in respect of the share of late Veeraiah alias Eraiah under Section 4 (1) of the Andhra Pradesh (Telangana Area) Inams Abolition Act, 1955 (for short, 'the Act').

The learned Single Judge dismissed the writ petition and

relegated the appellants to the remedy of appeal.

The thrust of the appellants' grievance against the order of the learned Single Judge is that even though the order impugned in the writ petition was passed by the Tribunal without complying with the basics of natural justice, the learned Single Judge relegated them to the alternative remedy of appeal under Section 24 of the Act.

Shri Satyarajababu, learned counsel for the appellants made strenuous efforts to convince us that the refusal of the learned Single Judge to entertain his clients' prayer for quashing order dated 26.06.2006 passed by the Tribunal is legally unsustainable and the order impugned in the writ petition is liable to be set aside. He argued that the rule of alternative remedy is not applicable to the cases in which the action complained of is claimed to be vitiated due to violation of the rules of natural justice and, therefore, the appellants could not have been non-suited ignoring the fact that order dated 26.06.2006 was passed by the Tribunal without giving them notice and opportunity of hearing.

In our opinion, there is no merit in the argument of the learned counsel. A reading of order dated 26.06.2006 passed by the Tribunal makes it clear that respondent Nos.4 to 8 had initiated proceedings under the Act in 1998. In the first instance, Revenue Divisional Officer, Chevella passed order dated 08.07.1998, which was set aside by the Joint Collector on 13.03.2000. After remand, the Tribunal issued notices to various persons including the vendors of the appellants, who were duly represented before the Tribunal. The appellants purchased the land after more than six years of the institution of the case by respondent Nos.4 to 8. Therefore, notwithstanding the fact

that their names may have been entered in the revenue records, the Tribunal was not required to issue notice or hear them and they cannot make a complaint on the anvil of violation of the rules of natural justice.

There is another reason for our disinclination to entertain the appellants' prayer. In the reply affidavit filed on behalf of respondent Nos.4 to 8, it has been categorically averred that the vendor of the appellants have already filed appeal against order dated 26-06-2006 and the same is pending before the appellate Tribunal.

For the reasons stated above, the appeal is dismissed leaving the appellants free to avail the remedy of appeal. Liberty is given to them to apply for condonation of delay, if any, in the filing of the appeal and also make a prayer for grant of interim relief.

As a sequel to dismissal of the appeal, interim order dated 04-08-2006 passed in favour of the appellants shall stand automatically vacated and WAMP No.1694 of 2006 filed by them for interim relief shall stand dismissed and WAMP No.1968 of 2006 filed by respondent Nos.4 to 8 for vacating the interim order dated 04-08-2006 shall stand disposed of as infructuous.

**G.S.SINGHVI, CJ**

**C.V.NAGARJUNA REDDY,J**

11-10-2006
ks/ksld